

REMARKS

Claims 1-15 are all the claims pending in the application. Claims 13 and 15 are allowed. In summary, the Examiner maintains the rejections of claims 1-12 and 14 over the same applied reference as set forth in the previous Office Action dated January 14, 2005. Specifically, claims 1-12 and 14 remain rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Matsuda et al. (US Patent No. 2001/0014616).

With respect to independent claim 1, Applicant previously argued that Matsuda does not teach or suggest at least, “dynamically selecting at least one signaling mode and/or at least one signaling device available in said receiver terminal as a function of the state of said at least one parameter relating to the sender, and at least one of another parameter programmed by said user and a state of a parameter related to an environment or a status of the receiving terminal,” as recited in claim 1. In response, in the second full paragraph on page 3 of the present Office Action, the Examiner alleges, “since the condition is set up in advance as disclosed in paragraph [0010], this is equivalent to the steps of programming by the user.” In response, Applicant submits that even if, *arguendo*, a condition is set up in advance, Matsuda does not disclose or suggest that dynamic selection is based on at least two conditions. Claim 1 describes that dynamic selection is a function of the state of (1) said at least one parameter relating to the sender and (2) at least one of another parameter programmed by said user and a state of a parameter related to an environment or a status of the receiving terminal. Applicant believes that the Examiner mentions that a condition is set up in advance to satisfy the feature of said another parameter being programmed by the user, however nowhere does the Examiner demonstrate that the dynamic selection of at least one signaling mode and/or at least one signaling device

available in said receiver terminal is performed as a function of at least two conditions.

Therefore, at least based on the foregoing, Applicant maintains that Matsuda does not anticipate claim 1.

Applicant submits that independent claim 10 is patentable at least for reasons similar to those set forth above with respect to claim 1.

Applicant submits that dependent claims 2-7, 9, 11, 12 and 14 are patentable at least by virtue of their respective dependencies.

With respect to independent claim 8, it was previously argued that Matsuda does not disclose or suggest at least, “wherein, each time a new incoming call or message is received, at least one signaling mode and/or at least one signaling device or a combination of signaling modes and/or devices are determined, in conjunction with respective degrees of intensity of their use, by selecting said modes and/or devices on the basis of one or more graduated scales,” as recited in claim 8. Specifically, it was argued that Matsuda does not disclose or suggest that at least one signaling mode and or at least one signaling device or a combination of signaling modes and/or devices are determined, in conjunction with respective degrees of intensity of their use. Yet further, it was argued that nowhere does Matsuda disclose or suggest selecting modes and/or devices on the basis of one or more graduated scale. In response, on page 4 of the present Office Action, the Examiner alleges that claim 8 is a combination of method claims 1 and 3 and is therefore rejected for the same reasons. In response, Applicant submits that independent claim 8 is not a combination of the method claims 1 and 3, as claim 8 includes features that are not in claim 1 or claim 3. Specifically, the above-quoted features of claim 8 are not in claim 1 nor claim 3. Therefore, the Examiner has not addressed the specific limitations that are set forth in

claim 8, and at least based on the foregoing, Applicant maintains that Matsuda does not anticipate the features set forth in claim 8.

Further, with respect to dependent claim 11, it was previously argued that Matsuda does not teach or suggest at least, “said history file being updated automatically on each new call or message at least by creating a new location in said history file for storing the number or the address of said sender and the corresponding variable or indicator, “ as recited in claim 11. In response, at the bottom of page 4 of the present Office Action, the Examiner cites paragraphs 10, 17, and 54-55 of Matsuda to support his rejection of claim 11. In response, Applicant submits that the cited portions of Matsuda generally relate to performing selection of pattern numbers based on the number of telephone calls from a specific telephone number to a portable mobile unit. That is, the pattern numbers in Matsuda can determine the ringing sound based on the number of times an incoming call has been received from a particular number. Paragraphs 54-55 simply detail the way in which the selection of the pattern numbers are performed. However, nowhere does Matsuda disclose or suggest the specific features of claim 11, including at least, “said history file being updated automatically on each new call or message at least by creating a new location in said history file for storing the number or the address of said sender and the corresponding variable or indicator.” In order to anticipate a claimed invention, the applied reference must teach or suggest each and every limitation. Clearly, Matsuda does not satisfy the above-quoted feature of claim 11. Therefore, Applicant submits that claim 11 is patentably distinguishable over Matsuda.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.111
U. S. Application No. 10/072,947

ATTORNEY DOCKET NO. Q68382

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

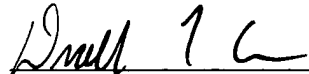
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(January 21, 2006 falling on a weekend)